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10

11 UNITED STATES DISTRICT COURT
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

13 IMPLICIT NETWORKS, INC.,

14 Plaintiff,

15 v.

16 INTERNATIONAL BUSINESS MACHINES
17 CORPORATION, ORACLE CORPORATION,
18 SAP AMERICA, INC., AND ADOBE
SYSTEMS INCORPORATED,

19 Defendants.
20

Case No. CV 09-1342 SI

**STIPULATED MOTION TO DISMISS
PURSUANT TO FED. R. CIV. P. 41(a)(2)
AND PROPOSED ORDER**

21 Plaintiff Implicit Networks, Inc. ("Implicit") and Defendant Adobe Systems
22 Incorporated ("Adobe") hereby request, pursuant to Fed. R. Civ. P. 41(a)(2), that all of
23 Implicit's claims against Adobe in the above-captioned action be dismissed with prejudice,
24 and that all of Adobe's counterclaims against Implicit in the above-captioned action be
25 dismissed without prejudice with each party to bear its own costs, expenses and attorneys'
26
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1 fees. The parties further request that the Court retain jurisdiction to enforce the terms of the
2 parties' settlement agreement.

3
4 Dated: April 2, 2009

/s/ George F. Bishop

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13 Date: April 2, 2009

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Attorney for Defendant Adobe Systems, Incorporated

CERTIFICATION PURSUANT TO GENERAL ORDER 45

Pursuant to General Order 45X.B, I, George Bishop, attest that the above signatories have concurred and consented to the filing of this document.

DATED: April 2, 2009

/s/ George F. Bishop
George F. Bishop

1 **PURSUANT TO STIPULATION IT IS SO ORDERED**

2 Dated: April __, 2009



Honorable Susan Illston
JUDGE OF THE U.S. DISTRICT COURT